

THE EFFECTIVE DATE OF THIS ORDINANCE IS APRIL 21, 2009

ORDINANCE NO. 09-09-513

Re: Amending the County Code to state that discrimination based upon race, color, religion, national origin, sex, age, marital status, disability, and, under certain circumstances, discrimination based upon familial status and source of income, is against public policy and unlawful in Frederick County.

By State law, Section 2-2-68 of the Frederick County Code, Chapter 224 of the Laws of Maryland 1988, the Board of County Commissioners was given the authority to establish a Human Relations Commission and a Human Relations Department. Pursuant to that authority, the Board of County Commissioners established the Human Relations Commission and the Human Relations Department by Ordinance Number 89-48-579, which was adopted on August 1, 1989. That Ordinance provided that discriminatory practices based on race, color, religion, national origin, sex, age, marital status or physical or mental handicap are contrary to the public policy of Frederick County and also gave the Human Relations Commission the powers and responsibilities allowed under Section 2-2-68 of the Code.

In Chapter 293 of the Laws of Maryland 2003, the Board of County Commissioners was authorized by the State Legislature to enact by ordinance additional means and remedies to enforce the Human Relations Ordinance. The Board of County Commissioners then adopted Ordinance Number 03-20-343 on December 16, 2003, which authorized the Human Relations Commission to provide certain forms of remedial relief and delineated the scope of the Human Relations Commission's enforcement powers.

The Board of County Commissioners subsequently amended Section 1-2-92 of the Human Relations Ordinance by adoption of Ordinance Number 05-26-387 on October 11, 2005. That Ordinance made the Human Relations Department a department within the Frederick

County government and removed the position of Executive Director of the Human Relations Department as an employee serving at the pleasure of the Board of County Commissioners.

By State law, Section 2-2-68 of the Frederick County Code, Section 1 of Chapter 558 of the Laws of Maryland 2005, the Human Relations Department was given the authority to investigate complaints alleging discrimination as to familial status in housing and employment. The Human Relations Department was also given the authority to investigate complaints alleging discrimination as to source of income in housing.

The Human Relations Commission has asked the Board of County Commissioners to strengthen the language in Section 1-2-93, which currently describes certain discriminatory practices as being contrary to the public policy of Frederick County, to state that discrimination in Frederick County is unlawful. Section 1-2-93 would also be amended to define discrimination as an act that is unlawful under State or Federal law when based on race, color, religion, national origin, sex, age, marital status or disability. The Board of County Commissioners also wishes to amend the Ordinance to replace the term "physical or mental handicap" with the term "disability," add a definition of "disability," and clarify the extent to which familial status and source of income discrimination are also against public policy and unlawful in Frederick County.

The Board of County Commissioners held a duly advertised public hearing concerning this Ordinance on April 21, 2009. The public had an opportunity to comment on the proposed amendment at the public hearing.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-2-93 of the Frederick County Code be amended to read as follows:

Sec. 1-2-93. [DISCRIMINATORY PRACTICES] DISCRIMINATION CONTRARY TO PUBLIC POLICY AND UNLAWFUL.

(A) [Discriminatory practices] Discrimination based upon race, color, religion, national origin, sex, age, marital status, [or physical or mental handicap are] disability, familial status, or source of income is contrary to the public policy of Frederick County.

(B) Discrimination based upon the following is unlawful in Frederick County:

(1) Race, color, religion, national origin, sex, age, marital status or disability in employment, housing, or public accommodations,

(2) Familial status in housing or employment, and

(3) Source of income in housing.

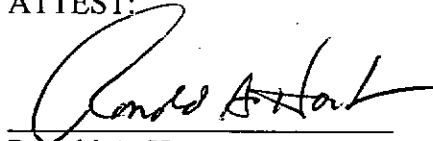
(C) "Discrimination" means any act that is unlawful under Federal or State law based upon race, color, religion, national origin, sex, age, marital status, or disability. "Discrimination" also means acts that are unlawful under Federal or State law based upon familial status in housing or employment or source of income in housing.

(D) "Disability" has the same meaning as the term "physical or mental handicap" in Article V of Chapter 2-2 of the County Code.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, that this Ordinance shall take effect on April 21, 2009.

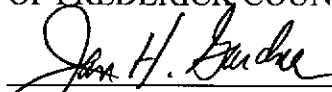
The undersigned hereby certifies that this Ordinance was approved and adopted on the 21st day of April, 2009.

ATTEST:



Ronald A. Hart
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Jan H. Gardner
President

UBT
4-22-09